



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Conduct a Public Hearing to:

1. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial.
2. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
3. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

MEETING DATE: February 7, 1996

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council conduct a Public Hearing to:

1. Consider the request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial.
2. Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
3. to certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

BACKGROUND INFORMATION: The above requests of Dale Gillespie on behalf of Geweke Properties were initiated by City Council action at its meeting of March 1, 1995. The matter was continued at the request of Mr. Gillespie so that Geweke Properties and the owners of the parcel to the south, across Kettleman Lane, could meet with Michael Friedman to discuss permitted land uses.

Although the land use question has not been answered, a new problem appears to require the early annexation of these parcels. In December 1995, the Board of Supervisors unilaterally canceled the annexation property tax agreements effective June 13, 1996. The County is now seeking to split all taxes (i.e., property, sales, TOT etc.) on newly annexed property.

APPROVED: _____

H. DIXON FLYNN
City Manager



recycled paper

CC-1

Council Communication
Meeting Date: February 7, 1996
Page 2

At the Planning Commission meeting of Monday, January 22, 1996, the Planning Commission recommended approval of the above requests by the following vote:

Ayes: Commissioners McGladdery, Rasmussen, Rice, Stafford and Chairman Marzolf.

Noes: Commissioners Lapenta and Schmidt.


By the same vote, the Planning Commission recommended that the City Council make the following findings concerning the project:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

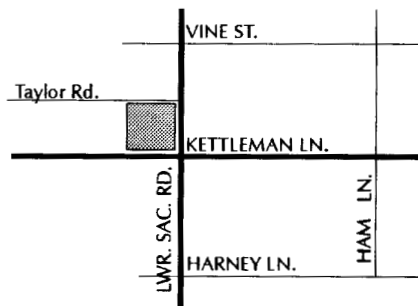
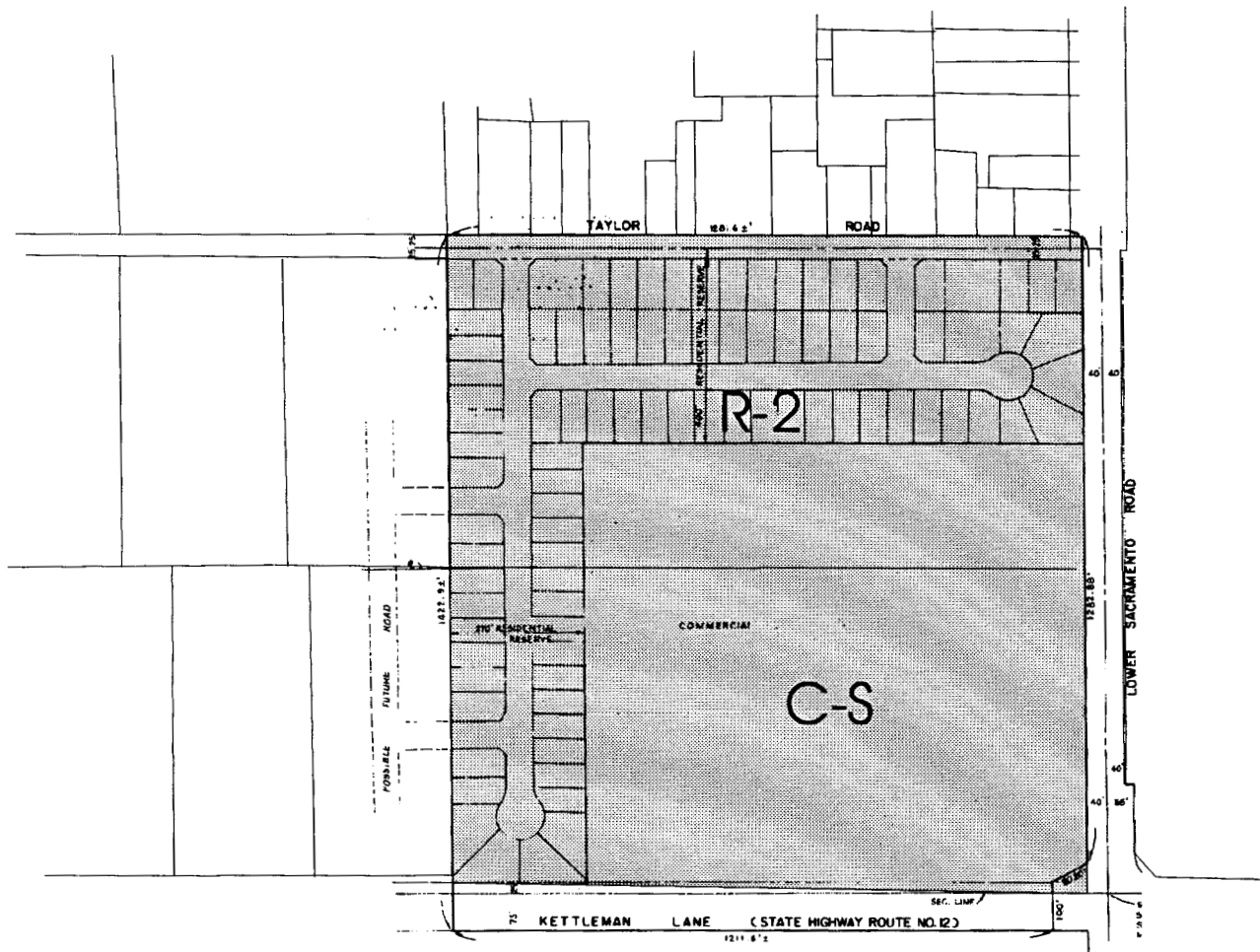
The LAFCO Executive Officer has informed the City that in order for an annexation to be considered at the April 19, 1996 LAFCO meeting, it must be received by his office by March 11, 1996. LAFCO policy requires that all property proposed for annexation must be prezoned. If the City Council fails to approve the prezoning, the annexation will not be accepted by the LAFCO staff.

The General Plan Amendment is required because the commercial area is being reconfigured to decrease the frontage on Kettleman Lane and partially eliminate discussions with Cal Trans concerning driveway locations and possible additional stop lights. The reconfiguration will also make the commercial depth of Lower Sacramento Road the same as the eastside of the street (i.e., Agnanos property).

FUNDING: None Required.


for James B. Schroeder
Community Development Director

JBS/lw



VICINITY MAP



Daryl Geweke
 GPA, & Prezone
 15201 N. Lwr. Sacramento Rd. and
 570 E. Taylor Rd. R-2 & C-S
 GPALU 95-2
 Z-95-05
 5-22-95

ORDINANCE NO. 1622

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE LAND USE ELEMENT OF THE LODI GENERAL PLAN
BY REDESIGNATING THE PARCELS LOCATED AT 570 EAST TAYLOR ROAD
AND 15201 NORTH LOWER SACRAMENTO ROAD (APN's 027-050-14 AND 23)
FROM PR, PLANNED RESIDENTIAL AND NCC, NEIGHBORHOOD-
COMMUNITY COMMERCIAL TO LDR, LOW DENSITY RESIDENTIAL AND
NCC, NEIGHBORHOOD-COMMUNITY COMMERCIAL

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Land Use Element of the Lodi General Plan is hereby amended by redesignating the parcels located at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial, as shown on the Vicinity Map, on file in the office of the Lodi City Clerk.

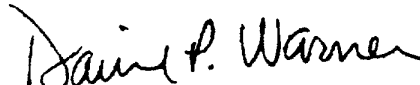
Section 2 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

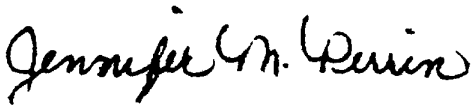
Section 5. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 21st day of February, 1996



DAVID P. WARNER
Mayor

Attest:



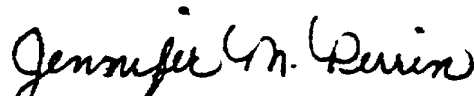
JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.

I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1622 was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 21, 1996 by the following vote:


Ayes:	Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes:	Council Members - Davenport
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1622 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



JENNIFER M. PERRIN
City Clerk

Approved as to Form:



RANDALL A. HAYS
City Attorney

ORDINANCE NO. 1623

AN ORDINANCE OF THE LODI CITY COUNCIL
AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI
AND THEREBY PREZONING THE PARCELS LOCATED AT 570 EAST TAYLOR
ROAD AND 15201 NORTH LOWER SACRAMENTO ROAD (APN's 027-050-14 AND
23) TO C-S, COMMERCIAL SHOPPING AND R-2, SINGLE-FAMILY RESIDENTIAL,
WITH A CONDITION RELATING TO SCHOOL FACILITIES FUNDING

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

The parcels located at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) are hereby prezoned as follows:

19.7 acre portion C-S, Commercial Shopping and 17.3 acre portion R-2,
Single-Family Residential, as shown on the Vicinity Map, on file in the office
of the City Clerk.

Section 2. The above-described prezoning shall be conditioned upon the signing by the developer and/or owner of said parcels prior to the effective date hereof, of an agreement with Lodi Unified School District for the provision of school facilities funding. Failure to execute such agreement shall delete the parcel(s) subject thereto from the effects of this ordinance.

Section 3. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.

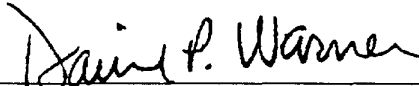
Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.


Section 7. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 21st day of February, 1996



DAVID P. WARNER
Mayor

Attest:

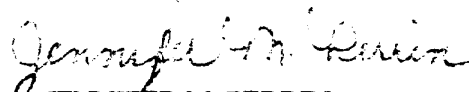

JENNIFER M. PERRIN
City Clerk

State of California
County of San Joaquin, ss.


I, Jennifer M. Perrin, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1623 was introduced at a regular meeting of the City Council of the City of Lodi held February 7, 1996 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 21, 1996 by the following vote:

Ayes:	Council Members - Mann, Pennino, Sieglock and Warner (Mayor)
Noes:	Council Members - Davenport
Absent:	Council Members - None
Abstain:	Council Members - None

I further certify that Ordinance No. 1623 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


JENNIFER M. PERRIN
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO
Mayor Pro Tempore
RAY G. DAVENPORT
STEPHEN J. MANN
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6711
FAX (209) 333-6842

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

January 24, 1996

Mr. Dale Gillespie
c/o Geweke Properties
P.O. Box 1210
Lodi, CA 95241

RE: General Plan Amendment
Rezoning
Negative Declaration
570 E. Taylor Road & 1520 N. Lower Sacramento Road

Dear Dale:

At its meeting of Monday, January 22, 1996 the Lodi City Planning Commission recommended approval of the following actions initiated by the Lodi City Council:

1. The request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial;
2. the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
3. certification of the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

In regard to the General Plan Amendment and Rezoning, the Planning Commission is recommending that the City Council make the following findings:

1. That the Plot Plan (LMC 17.30.100) and Development Schedule (LMC 17.30.100) are not approved at this time;
2. that the Plot Plan and Development Schedule are held in abeyance until such time that the City Council, Planning Commission and property owners have agreed on a new zoning classification which will outline the permitted uses; and
3. that the approval is with the understanding that future development will conform and be consistent with the plans and policies of the Downtown Revitalization Plan.

Mr. Dale Gillispie
January 24, 1996
Page 2

The City Council has set a public hearing for 7:00 p.m., Wednesday, February 7, 1996 to consider the above recommendations of the Planning Commission. In the event the City Council approves the General Plan Amendment, Rezoning and Negative Declaration, the City staff will recommend that annexation proceedings be initiated by the City.

If additional information or assistance is required, please call upon us.

Sincerely,

A handwritten signature in black ink, appearing to be 'JBS', with a horizontal line extending to the right.

James B. Schroeder
Community Development Director

JBS/lw

cc: City Clerk



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: February 7, 1996

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING


NOTICE IS HEREBY GIVEN that on **Wednesday, February 7, 1996** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing to consider the following matter:

- a) Consider request of Dale Gillespie on behalf of Geweke Properties for a General Plan Amendment to redesignate a portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23) from PR, Planned Residential and NCC, Neighborhood-Community Commercial to LDR, Low Density Residential and NCC, Neighborhood-Community Commercial;
- b) Consider the request of Dale Gillespie on behalf of Geweke Properties to prezone a 19.7 acre portion of the parcels at 570 East Taylor Road and 15201 North Lower Sacramento Road (APN's 027-050-14 and 23), C-S, Commercial Shopping and a 17.3 acre portion of those parcels R-2, Single-Family Residential; and
- c) Certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above projects.

Information regarding this item may be obtained in the office of the Community Development Director at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

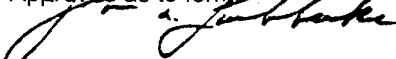
If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council


Jennifer M. Perrin
City Clerk

Dated: January 17, 1996

Approved as to form


John Luebberke
Deputy City Attorney



DECLARATION OF MAILING

Public Hearing - GEWEKE PROPERTIES

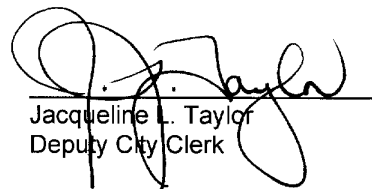
On January 18, 1996 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 18, 1996, at Lodi, California.

Jennifer M. Perrin
City Clerk



Jacqueline L. Taylor
Deputy City Clerk

PUBLIC HEARING LIST

EGEWERE

MAPPING LIST FOR: GEWEKE WEST GPA, PREZONE 9 ANNEXATION			FILE #	
AP#	OWNER'S NAME	MAPPING ADDRESS	CITY, STATE	ZIP
027-050-23	Daryl & O Geweke Trs	P.O. Box 1210		
-14	"			
-10	Angeles S. Pansis	9949 Fernwood Rd	Stockton	95212
-11	Takaji & Miyoko Kaba	2332 Rockingham Cll		95241
-03	Erin M. Meier	345 E Taylor Rd		
-20	Lamar A & J A Hedrick	209 E Hwy 12	Lodi	95342
-21	Mexican American Catholic Fed.	P.O. Box 553		95241
-060-01	Merced P & F P Gutierrez	383 E Taylor Rd		95242
-02	James F & P Culbertson Trs	641 N Pacific Ave		"
-03	Mervin D & F.C. Badgley	419 E Taylor Rd		
-05	Daniel R & S M McNeil	441 E Taylor		
-06	Leland G & Mildred Frey	485 E Taylor Rd		
-39	"			
-08	"			
-09	Domingo Sanchez	517 Taylor Rd		
-10	Frey			
-11	"			
-38	"			
-12	Kenneth C. Reising et al	246 N. Loma Dr		95342
-13	Kenneth A & Rita G. Roberson	619 E Taylor		
-14	Gert Davis	P.O. Box 5842	Stockton	95305
-15	Velma L. Huber	643 E Taylor		
-36	Lester & M Wagner	15472 Hilde Lane		
-19	"			
-27	Bernardus & Renee Vanderheiden	681 Taylor		
-28	Arthur & Marienel. Katzakian	10241 Sheldon Rd	Elk Grove CA	95624
-29	Randy K & MA Zapara	695 E Taylor		
-34	Roy J. & Tommy S. Roberts	15431 LWR Sacramento Rd		
-35	Arthur & Marienel. Katzakian	10241 Sheldon Rd	Elk Grove	95624
-030-13	Leland F & Maxine Christesen	179 E Taylor Rd		
-23	Donald E & Elizabeth Clausen	620 W Locust		95240
-22	R. Michael Fukunaga	14704 N. Beckman Rd	Lodi	"
-040-68	BDELodi Plaza LP Brownman Dev.	100 Swanway #206	Oakland	94621
-30	A & C Anagnos et al	801 E Hwy 12	Lodi	
-10	Tom & Terry Kibio Trs	1212 S. LWR Sacramento		
-11	Phyllis J. Kavanagh	15288 N. LWR Sacramento		
-13	Antonia & Elena da Valentine	22 Powers Ave.	San Francisco	94110

PUBLIC HEARING LIST

EGFEWEKE

[illegible]

CITY COUNCIL

DAVID P. WARNER, Mayor
PHILLIP A. PENNINO,
Mayor Pro Tempore
RAY G. DAVENPORT
JACK A. SIEGLOCK
STEPHEN J. MANN

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807

H. DIXON FLYNN
City Manager
JENNIFER M. PERRIN
City Clerk
RANDALL A. HAYS
City Attorney

February 8, 1996

Dale Gillespie
c/o Geweke Properties
P.O. Box 1210
Lodi, CA 95241

RE: Crossroads Reorganization

We are in receipt of your request that we proceed with the annexation to the City of the above referenced parcel.

In order for the City of Lodi to proceed with the annexation of this parcel, it will be necessary for you to pay the following filing fees:

LAFCO	\$1,187.50 (one-half of the new development fees)
City of Lodi	\$1,000.00 (one-half of the annexation fee)
	<hr/>
	\$2,187.50

Please issue two separate checks (one payable to LAFCO; the other the City of Lodi), and mail or deliver to the City Clerk's office. You will be required to issue a check to the State Board of Equalization; however, we will notify you at the appropriate time as to the amount.

Should you have any questions regarding this matter, please do not hesitate to call this office.

Sincerely,


Jennifer M. Perrin
City Clerk

JLT

cc: James B. Schroeder,
Community Development Director

lfiling.doc